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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,087	04/14/2004	Christopher A. Pratt	067083.0290	7006

5073 7590 05/02/2006

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DALLAS, TX 75201-2980

EXAMINER

BATES, ZAKIYA W

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/824,087

Applicant(s)

PRATT, CHRISTOPHER A.

Examiner

Zakiya W. Bates

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 20-44 is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04142004, 08092005, 414106</u>  | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10, 12, 14, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,039,121 or US 2,319,702 (both cited by applicant).

US'121 discloses a system that includes a first tube (12) disposed in a wellbore (2) proximate a subterranean zone, at least pad of the first tube comprising a production liner; a second tube (19) disposed in a well including the wellbore, the second tube (19) outside of and overlapping a portion of the first tube (12) such that an entrance (20) of the second tube (19) is at lower elevation than an exit of the first tube; the first tube operable to receive a mixture comprising a gas, a liquid, and a plurality of coal fines (see Point 5) from the subterranean zone and to release the gas up the well for production to a surface after the mixture exits the exit of the first tube (column 6, lines 11-14 ); and the entrance of the second tube (20) operable to receive at least the liquid from the mixture after the mixture exits the exit of the first tube and travels downward in elevation (column 6, lines 15-19). With respect to the depending claims, the reference teaches the limitations as claimed including a casing, an entrance portion, and pump (50). See particularly Fig. 3.

US'702 discloses a separation system (14) that includes a first tube (19) disposed in a wellbore proximate a subterranean zone, at least pad of the first tube comprising a production liner; a second tube (10) disposed in a well including the wellbore, the second tube (10) outside of and overlapping a portion of the first tube (19) such that an entrance of the second tube (10) is at lower elevation than an exit of the first tube; the first tube operable to receive a mixture comprising a gas, a liquid, and a plurality of coal fines from the subterranean zone and to release the gas up the well for production to a surface after the mixture exits the exit of the first tube; and the entrance of the second tube operable to receive at least the liquid from the mixture after the mixture exits the exit of the first tube and travels downward in elevation. With respect to the depending claims, the reference teaches the limitations as claimed including a casing, an entrance portion, and pump. See particularly Fig. 1.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 13, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,039,121 or US 2,319,702 alone.

Each reference discloses a system as stated above. However, the references fail to teach obvious design choice features as specified in the claims. It would have been

Art Unit: 3676

considered an obvious design choice to have provided the system of either reference with a collapsed wellbore, the second tube located a certain distance from the first, specific diameter tubing, aligned tubing, or a coal bed as called for in the claims. These features are selected by those skilled in the art and provide no further inventive structure or concept.

***Allowable Subject Matter***

5. Claims 1-9 and 20-44 are allowed.

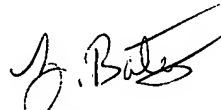
***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,736,880 teaches a downhole separation system proximate a coal bed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Zakiya W. Bates  
Primary Examiner  
Art Unit 3676

zb  
April 28, 2006